

# Lactation Accommodation Policy

Bulletin Number: 2011- 0006  
Issue Date: 2011

## PURPOSE AND OVERVIEW

Under the Fair Labor Standards Act, 29 U.S.C. §207(r), the county is required to provide a reasonable amount of time as frequently as needed for nursing mothers to express breast milk or breastfeed their infants. This is required for up to one year after the child's birth. The county has implemented the requirement.

This policy applies to all King County executive branch employees.

## PROCEDURES

This policy provides the following information:

1. A reasonable amount of time to express milk or breastfeed (lactation time)
2. Private and secure rooms to express milk or breastfeed (lactation rooms)
3. Employee responsibilities
4. Education and support
5. Anti-discrimination or retaliation
6. Training

### 1. Reasonable Amount of Time to Express Milk or Breastfeed (Lactation Time)

Managers and supervisors must provide an employee a reasonable amount of time as frequently as needed to express milk or breastfeed their infants during the workday. The frequency of breaks and the duration may vary.

Non-exempt employees may use their paid break periods or accrued leave for time needed to express milk or breastfeed their infants during the workday; employees will not be paid for time during any additional breaks beyond FLSA prescribed paid break periods.

FLSA-exempt employees may express milk or breastfeed their infants during the workday.

Nursing mothers may request a flexible work schedule, subject to approval by the manager or supervisor, to address their individual needs, *e.g.*, the meal break may be temporarily modified or the beginning and/or ending of the work day may be temporarily adjusted.

### 2. Private and Secure Rooms to Express Milk or Breastfeed (Lactation Room)

Federal guidelines provide that a bathroom may not serve an intermittent or temporary lactation room. Designated lactation rooms exist at some King County worksites; a list of designated lactation rooms and scheduling information can be found at:

<http://www.kingcounty.gov/employees/HealthMatters/HealthyWorkplace/NewMothersRoom.aspx>

Employees in outlying work locations that do not have a designated lactation room should arrange with their managers to identify an intermittent or temporary location to be used as a lactation room.

Lactation rooms shall be:

- private (if the room has windows, drapes or blinds are required);
- secure (lockable from the inside);
- accommodating (comfortable seating, a table, and power outlets); and
- reasonably close to the employee's work area.

Although not required, when possible, the lactation room should also be near to:

- a sink with hot water and soap for hand washing and equipment cleaning; and
- a refrigerator for storage of expressed breast milk.

If the condition of the lactation room requires maintenance or modification, contact the Department of Executive Services, Facilities Management Division for assistance. If no lactation room or other suitable space is available, contact the King County Employee Health and Well-being Program for assistance.

### **3. Employee Responsibilities**

Any necessary equipment (breast pump, storage containers, etc.) should be securely stored at the employee's workstation or at another storage area designated by management. These personal items should not be stored a county lactation room.

Employees using designated lactation rooms must observe all posted guidelines such as sign up sheets, cleanup procedures, hours of availability, security guidelines, etc.

### **4. Education and Support**

Employees have access to additional support and education for breastfeeding through the following resources.

- a. Your healthcare benefits may cover breastfeeding-related resources and services. For specific information contact Benefits Payroll and Retirement Operations at 206-684-1556 or [kc.benefits@kingcounty.gov](mailto:kc.benefits@kingcounty.gov).
- b. The county's Employee Health and Wellbeing Program website offers additional information to support breastfeeding employees including links to community resources at:

<http://www.kingcounty.gov/employees/HealthMatters/HealthyWorkplace/NewMothersRoom.aspx>

### **5. Anti-Discrimination or Retaliation**

King County is committed to supporting its employees who are nursing mothers. As with any right conferred under the FLSA, nursing mothers who express milk or nurse their infants during the workday are protected from discrimination or retaliation for doing so. In addition, King County does not tolerate discrimination or retaliation. Such action is misconduct in violation of this policy and an employee engaging in such may be subject to discipline, up to and including termination.

Any county employee who experiences or witnesses what may be discrimination or retaliation toward a nursing mother, is strongly encouraged to address it by asking the person to stop the behavior; and/or reporting the alleged incident to the immediate supervisor, any other member of management within the agency, or to the Human Resources Division.

### **6. Training**

- King County's *Lactation Accommodation Policy* shall be disseminated to every agency via HR personnel.

- Incoming employees will receive a copy of the policy during New Employee Orientation.
- When human resources professionals are aware of an employee preparing for an approaching child birth or maternity leave, this policy shall be provided to the employee.

In the event any provision of this HR Bulletin conflicts with an applicable provision of a collective bargaining agreement or binding past practices thereunder, the latter shall prevail.

**QUESTIONS/COMMENTS**

Refer all questions or comments the Employee Health and Well-being Program at: 206-205-5017 or [FocusOnEmployees@kingcounty.gov](mailto:FocusOnEmployees@kingcounty.gov)